

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

JOSHUA BEAN,

Petitioner,

v.

WARDEN,

Respondent.

CAUSE NO.: 3:19-CV-359-JD-MGG

OPINION AND ORDER

Joshua Bean, a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in ISP 18-09-170 held on September 24, 2018, where the Disciplinary Hearing Officer found him guilty of soliciting unauthorized personal information in violation of offense B-247. ECF 1 at 1. As a result, Bean was sanctioned with the loss of 90 days earned credit time. *Id.*

After Bean filed his petition, the finding of guilt and sanctions were vacated. ECF 9-2 at 1. The Warden has filed a motion to dismiss because this case is moot. ECF 9. Bean did not file a response and the time for doing so has passed. See N.D. Ind. L.R. 7-1(d)(3)(A). Regardless, the court cannot overturn the disciplinary proceeding and restore his time because the Indiana Department of Correction has already vacated the proceeding and restored his time. That is to say, Bean has already won and there is no case left for this court to decide. Accordingly, this case must be dismissed. See *Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can challenge prison disciplinary

determination in habeas proceeding only when it resulted in a sanction that lengthened the duration of his confinement).

For these reasons, the motion to dismiss (ECF 9) is GRANTED and the case is DISMISSED. The clerk is DIRECTED to close this case.

SO ORDERED on August 22, 2019

          /s/ JON E. DEGUILIO            
JUDGE  
UNITED STATES DISTRICT COURT